

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

YOON DOELGER, and
PETER DOELGER,

Plaintiffs,

vs.

JPMORGAN CHASE BANK, N.A., and
CHICKASAW CAPITAL MANAGEMENT,
LLC,

Defendants.

No. 1:21-cv-11042-AK

**JPMORGAN CHASE BANK, N.A.’S MOTION FOR ENTRY OF PARTIAL FINAL
JUDGMENT ON PLAINTIFFS’ CLAIMS AND DISMISSAL WITHOUT PREJUDICE,
OR A STAY, OF ITS COUNTERCLAIMS**

Defendant JPMorgan Chase Bank, N.A. (“JPMC”) respectfully moves this Court for entry of a partial final judgment on Plaintiffs’ claims pursuant to Federal Rule of Civil Procedure 54(b), and further moves this Court to either (i) voluntarily dismiss JPMC’s counterclaims (as set forth in Counts I–III of its Answer, *see* Doc. No. 25 at 93–96) pursuant to Federal Rule of Civil Procedure 41(a)(2), without prejudice to its ability to reassert those claims in this action *nunc pro tunc* in the event Plaintiffs’ claims are reinstated after appeal or, if Plaintiffs attempt to assert substantively similar claims in another action, in such action; or (ii) stay JPMC’s counterclaims during the pendency of any appeal pursuant to the Court’s inherent authority.

In conjunction with this Motion, JPMC is filing herewith:

1. JPMC’s Memorandum of Law in Support of its Motion to for Entry of Partial Final Judgment on Plaintiffs’ Claims and Dismissal Without Prejudice, or a Stay, of its Counterclaims; and
2. A proposed order to assist the Court if it decides to voluntarily dismiss JPMC’s counterclaims without prejudice as set forth in item (i) above.

WHEREFORE, JPMC respectfully requests that the Court (1) enter a partial final judgment on Plaintiffs' claims under Rule 54(b) and (2) either dismiss JPMC counterclaims without prejudice to its right to reassert the counterclaims in the event Plaintiffs prevail on appeal and proceed to trial on their claims, or stay the counterclaims during the pendency of any appeal.

Dated: October 17, 2024

Respectfully submitted,

/s/ Tracy O. Appleton

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CERTIFICATE OF SERVICE

I, Tracy O. Appleton, hereby certify that this document filed through the CM/ECF system was served electronically to the registered participants as identified on the Notice of Electronic Filing on October 17, 2024, and that paper copies will be sent to those indicated as non-registered participants on October 17, 2024.

/s/ Tracy O. Appleton

Tracy O. Appleton